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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/805,273	03/22/2004	Michael Harris	25170.0002	8980
23517 7590 12/22/2006 BINGHAM MCCUTCHEN LLP 3000 K STREET, NW BOX 1P WASHINGTON, DC 20007			EXAMINER BELL, CORY C	
			ART UNIT 2164	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		12/22/2006	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/805,273	<b>Applicant(s)</b> HARRIS, MICHAEL	
	<b>Examiner</b> Cory C. Bell	<b>Art Unit</b> 2164	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 06 October 2006.
- 2a) ☐ This action is **FINAL**.      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

  
**SAM RIMELL**  
**PRIMARY EXAMINER**

### DETAILED ACTION

1. Claims 1-18 have been examined.

#### *Election/Restrictions*

Applicant's election of Group 1 in the reply filed on 10/6/2006 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

#### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-5 are rejected under 35 U.S.C. 102(b) as being anticipated by US 6195024, known hereafter as Fallon.

3. Claim 1 is anticipated by Fallon as follows:

A data compression method, comprising: analyzing data based on a plurality of algorithms to determine a compression ratio for each algorithm;(Figure 3 item 306) and compressing the data based on the algorithm that produces the best compression ratio. (Figure 4 item 322)

4. Claim 2 is anticipated by Fallon as follows:

The data compression method according to claim 1, wherein the compressed data includes at

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least one index file that references the algorithm that produces the best compression ratio.(Figure 4 item 324)

5. Claim 3 is anticipated by Fallon as follows:

3. The data compression method according to claim 2, further comprising decompressing the compressed data based on a last index file that is attached to the data. (Figure 12 items 1204, 1210, and 1212)

6. Claim 4 is anticipated by Fallon as follows:

4. The data compression method according to claim 1, wherein said algorithms remove and index repeating bit patterns. (Col 3 lines 43-52 and Col 7 lines 24-46)

7. Claim 5 is anticipated by Fallon as follows:

5. The data compression method according to claim 2, wherein the compression generates an encrypted data stream output. (Figure 2)

### *Claim Rejections - 35 USC § 103*

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 10-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 6195024, known hereafter as Fallon.

10. *As per claim 10*, Fallon teaches the initial compression iteration, see claim 1 rejection above, but fails to expressly disclose the second iteration. However it would have been obvious

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to one of ordinary skill in the art at the time of the invention to do a second iteration, as it is a duplication of parts for a multiple effect, and it would have been obvious to do so to improve the compression ratio. Also see *In Re Harza*, 274 F.2d 669, 671, 124 USPQ 378, 380 (CCPA 1960).

11. Claim 11 is taught by Fallon as follows:

See Claim 4 rejection.

12. Claim 12 is taught by Fallon as follows:

See Claim 2 rejection.

13. Claim 13 is taught by Fallon as follows:

See Claim 2 rejection.

14. Claim 14 is taught by Fallon as follows:

See Claim 2 rejection

15. Claim 15 is taught by Fallon as follows:

See Claim 3 rejection.

16. Claims 6-9, and 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 6195024, known hereafter as Fallon, in view of PKZIP Command Line Reference, archived 2/3/2003.

17. *As per Claims 6*, Fallon teaches limitations of claim 1, but fails to expressly disclose, wherein the compression is initiated manually or automatically based on a command from a user interface. However, this feature is taught by PKZIP "add." Thus, it would have been obvious to

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one of ordinary skill in the art at the time of the invention to include this feature to give a user control over the compression.

18. *As per Claims 7*, Fallon teaches limitations of claim 1, but fails to expressly disclose, wherein a portion of the compressed data is decompressed based on said command.

However, this feature is taught by PKZIP “Extract” and “all.” Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to include this feature to give a user control over the compression.

19. *As per Claims 8*, Fallon teaches limitations of claim 1, but fails to expressly disclose, wherein the additional data is compressed and associated with the compressed data automatically. However, this feature is taught by PKZIP “add,” being placed in the same zip file creates an automatic association. Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to include this feature to give a user control over the compression.

20. *As per Claims 9*, Fallon teaches limitations of claim 1, but fails to expressly disclose, compressing and associating a descriptive tag to said data based on the user interface.. However, this feature is taught by PKZIP “attributes,” “comment,” or “header.” Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to include this feature to give a user control over the compression and the creation of the file.

21. Claim 16 is taught by Fallon as follows:

See Claim 7 rejection.

22. Claim 17 is taught by Fallon as follows:

See Claim 8 rejection.

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23. Claim 18 is taught by Fallon as follows:

See Claim 9 rejection.

*Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cory C. Bell whose telephone number is (571) 272 2736. The examiner can normally be reached on m-f 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Rones can be reached on (571) 272 4085. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



**SAM RIMELL**  
**PRIMARY EXAMINER**